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## UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS **EASTERN DIVISION**

SEP 172012 THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

CURTIS J. TERRY		
ENLANCE PART AND A STATE OF THE	)	
(Name of the plaintiff or plaintiffs)	12cv7395	
v.	Judge John W. Darrah  Magistrate Morton Denlow	
BNSF RAILWAY	) Magistrate Morton 2	
	) )	
(Name of the defendant or defendants)	)	
COMPLAINT OF EMPI	LOYMENT DISCRIMINATION	
1. This is an action for employment discrim	nination.	
2. The plaintiff is CURTIS J.	TERRY	of the
county of COOK	in the state of ILLINOIS.	
3. The defendant is BNSF R	AILWAY	whose
street address is 3611 W. 3	8TH STREET.	
(city) CHICAGO (county) COOK	(state) <i>FL</i> (ZIP) 6060	9
(Defendant's telephone number)		
4. The plaintiff sought employment or was	employed by the defendant at (street address)	
3611 W. 38TH ST	REET (city) CHICAGO	
(county) COOK (state) IL	(ZIP code) 60609	

5.	The plain	tiff [check one box]
	(a)	was denied employment by the defendant.
	(b)	was hired and is still employed by the defendant.
	(c) X	was employed but is no longer employed by the defendant.
6.		idant discriminated against the plaintiff on or about, or beginning on or about,
	(month)_/	4PRIL , (day) 24 , (year) 2012
7. <u>1</u>	(Choos	e paragraph 7.1 or 7.2, do not complete both.)
		(a) The defendant is not a federal governmental agency, and the plaintiff [check
		one box] $has not$ filed a charge or charges against the defendant $has$
ass	erting the a	acts of discrimination indicated in this complaint with any of the following
gov	emment a	gencies:
	(i)	the United States Equal Employment Opportunity Commission, on or about
		(month) June (day) 25 (year) 2012.
	(ii)	the Illinois Department of Human Rights, on or about
		(month)(day)(year)
	(b) If char	ges were filed with an agency indicated above, a copy of the charge is
atta	ached.	YES. NO, but plaintiff will file a copy of the charge within 14 days.
It i	s the policy	y of both the Equal Employment Opportunity Commission and the Illinois
De	partment o	f Human Rights to cross-file with the other agency all charges received. The
pla	intiff has n	o reason to believe that this policy was not followed in this case.
7.2	The d	efendant is a federal governmental agency, and
	(a) the	plaintiff previously filed a Complaint of Employment Discrimination with the
	defend	ant asserting the acts of discrimination indicated in this court complaint.

			Yes (month)	(day)	(year)	<del></del>
			No, did not file Co	mplaint of Employme	ent Discrimination	
	(b)	The plainti	ff received a Final Ag	gency Decision on (m	onth)	
		(day)	(year)			
	(c)	Attached is	s a copy of the			
		(i) Comple	aint of Employment I	Discrimination,		
		☐ Y.	ES NO, but a	copy will be filed wi	thin 14 days.	
		(ii) Final A	agency Decision			
		☐ Y	ES NO, but a	a copy will be filed w	thin 14 days.	
8.	(Comp	olete paragro	aph 8 only if defendai	nt is not a federal gov	ernmental agency.)	
•	(a)	the Un	ited States Equal Emp	ployment Opportunity	Commission has no	t issued
		a Notic	ce of Right to Sue.			
	(b) X	the Un	ited States Equal Emp	ployment Opportunity	y Commission has iss	sued a
		Notice	of Right to Sue, which	h was received by the	plaintiff on	
		(month	n) July (da	y) <u>2</u> (year) 2	2012 a copy of w	hich
		Notice	is attached to this con	mplaint.		
9.	The d	efendant dis	criminated against the	e plaintiff because of	the plaintiff's [check	only
	those	that apply]:				
	(a)	Age (Age	Discrimination Emp	loyment Act).		
	(b)	Color (Ti	tle VII of the Civil Ri	ghts Act of 1964 and	42 U.S.C. §1981).	

	$(c)$ $\Gamma$	Disability (Americans with Disabilities Act or Rehabilitation Act)
	(d) 1	National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
	(e) X F	Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
	(f) R	Religion (Title VII of the Civil Rights Act of 1964)
	(g) S	Sex (Title VII of the Civil Rights Act of 1964)
10.	If the def	endant is a state, county, municipal (city, town or village) or other local
	governme	ental agency, plaintiff further alleges discrimination on the basis of race, color,
	or nation	al origin (42 U.S.C. § 1983).
11.	Jurisdicti	on over the statutory violation alleged is conferred as follows: for Title VII
	claims by	7 28 U.S.C.§1331, 28 U.S.C.§1343(a)(3), and 42 U.S.C.§2000e-5(f)(3); for
	42 U.S.C	.§1981 and §1983 by 42 U.S.C.§1988; for the A.D.E.A. by 42 U.S.C.§12117;
	for the Re	ehabilitation Act, 29 U.S.C. § 791.
12.	The defer	ndant [check only those that apply]
	(a)	failed to hire the plaintiff.
	(b) X	terminated the plaintiff's employment.
	(c) X	failed to promote the plaintiff.
	(d)	failed to reasonably accommodate the plaintiff's religion.
	(e)	failed to reasonably accommodate the plaintiff's disabilities.
	(f) X	failed to stop harassment;
	(g) X	retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
	(h)	other (specify):

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Direct the defendant to (specify):

(f)

(g) X	If available, grant the plaintiff appropriate injunctive liquidated/double damages, front pay, compensatory prejudgment interest, post-judgment interest, and contact attorney fees and expert witness fees.	y damages, punitive damages
(h)X	Grant such other relief as the Court may find approp	priate.
(Plaintiff (Plaintiff	's signature) 's name)	
CURTI	S J. TERRY	
•	's street address) 2 W. 135 th PLACE APT. 4	
	UE ISLAND <sub>(State)</sub> IL (ZIP) 60 <b>4</b> 0 elephone number) (312) – 371 - 2959	6
	Date	SEPT. 10, 201

CHARGE OF DISCRIMINA				gency(ies) Charge No(s):
This form is affected by the Privacy Act of 1974. See e			FEPA	, ,
Statement and other information before completi	ing this form.		EEOC	440-2012-04185
		<u> </u>		and EEOC
Illinois	State or local Agend		<u>jnts</u>	and LLOO
Name (indicate Mr., Ms., Mrs.)	State of local Agent	y, ii diry	Home Phone (Incl. Area (	Code) Date of Birth
Mr. Curtis J. Terry			(312) 371-295	9 04-16-1976
Street Address	City, State a	nd ZIP Code		
P.O. Box 375, Monee, IL 60449				
F.O. DOX 070, Monco, IL 00110				
Named is the Employer, Labor Organization, Employment	Agency Apprenticeshir	Committee, or S	State or Local Governmen	nt Agency That I Believe
Discriminated Against Me or Others. (If more than two, list	under PARTICULARS	below.)		
Name			No. Employees, Members	Phone No. (Include Area Code)
BURLINGTON NORTHERN RAILROAD			15 - 100	(909) 386-4502
Street Address	City, State a	nd ZIP-Code		
3611 W 38th St, Chicago, IL 60632				
				Phone No. (Include Area Code)
Name			No. Employees, Members	Phone No. (michade Area Code)
				<u> </u>
Street Address	City, State a	and ZIP Code		
	마이크 프로그리 마음 현재 급급을 보는 그 사용의 - 사용 등을 보고요			
<u> </u>			DATE(S) DISCE	RIMINATION TOOK PLACE
DISCRIMINATION BASED ON (Check appropriate box(es).)			- Earliest	Latest
RACE COLOR SEX	RELIGION	NATIONAL ORIG	SÍN .	04-24-2012
X RETALIATION AGE DISA	BILITY GEI	NETIC INFORMAT	ION	our gelegeneer van de state van d Gelegeneer van de state van de s
OTHER (Specify)	gradia Salah			CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach e)	xtra sheet(s)):			
				Troinmoster During
I was hired by Respondent on or about F	ebruary 2, 2004.	My most red	cent position was	I fallillasici. Dumg
my employment, I complained. On or abo	out April 24, 2012	, i was disci	iargeu.	
I believe I have been discriminated agair	st in retaliation. i	n violation o	Title VII of the Ci	vil Rights Act of
1964, as amended.			The second secon	and the second second
				one to the second secon
			are favored	11
			JUN 2	5 2012
			remarkania.	
			gan <b>an ber</b> anda di Africa. Pantana	
I want this charge filed with both the EEOC and the State or I	ocal Agency, if any. I	1	n necessary for State and Lo	ocal Agency Requirements
will advise the agencies if I change my address or phone nun cooperate fully with them in the processing of my charge in a	nder and i will	1	or of Line of the contract of	
procedures.		I swear or affin	m that I have read the at	pove charge and that it is true to
I declare under penalty of perjury that the above is true a	nd correct.	the best of my	knowledge, information a COMPLAINANT	and deliet.
	/ )	SIGNATURE OF		
	1 1 100	OUDCODIDED A	ND SWORN TO BEFORE	ME THIS DATE
Jun 25, 2012	lan.	SUBSCRIBED A (month, day, yea		
Date Charging Party S	ignature			
Date Strong and Purity C			<u> </u>	

\*

Rocco J. Claps, Director

July 2, 2012

Mr. Curtis J. Terry P.O. Box 375 Monee, IL 60449

Control No.: 130702061 Curtis J. Terry vs. Burlington Northern Railroad Re:

Dear Complainant:

The United States Equal Employment Opportunity Commission (EEOC) and the Illinois Department of Human Rights (Department) are parties to a cooperative agreement. Under this agreement, when you filed your charge of discri mination with the EEOC, a copy of the charge was automatically filed with the Department. The Department is keeping a copy of your EEOC charge on file to preserve jurisdiction under Illinois law.

You filed your discrimination charge initially with the EEOC, however, the Department can consider investigating your charge following the EEOC's investigation. Should you want the Department to take this action, you must first wait for the EEOC to complete its investigation of your charge and send you its written findings from its investigation. Once you receive the EEOC's findings, you have 30 days to send the Department a copy of the findings. Please also submit a one sentence written statement requesting that the Department investigate your charge and include the above-referenced control number. Your copy of the EEOC's findings and your letter requesting that the Department investigate the charge may be submitted by either of the following methods:

By Mail:

Your EEOC findings and written decision should be sent via U.S. Postal certified mail, return receipt requested, to: Illinois Department of Human Rights, Attn: EEOC Referred Charges/Intake Unit, 100 W. Randolph St.,

Ste. 10-100, Chicago, IL 60601.

In Person:

You must bring an original and one copy of your EEOC findings and letter. The Department will stamp the copy and it will be returned to you

for your records.

If you have already received the EEOC's findings, you should send the Department a copy of the findings along with your letter requesting that the Department investigate your EEOC charge.

Upon receipt of your documents, the Department will mail you a letter with additional information about your case. If you request the Department to investigate your EEOC charge, the Department will review evidence obtained during EEOC's investigation; that evidence may be disclosed pursuant to the Department's rules and regulations.

The 365-day time period for the Department to investigate your EEOC charge begins to run when EEOC issues its investigation findings. Your failure to timely provide the EEOC's findings to the Department will result only in the Department closing your file. This process does not affect the investigation of your charge at EEOC. If you do not wish to proceed with the Department, you do not need to take any further action.

This letter does not apply to any settlement of this charge the parties have made with the EEOC.

If you have any questions, please contact Thomas F. Roeser, Pre-Investigations Coordinator, at (312) 814-6295. Please do not contact the EEOC.

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

PRE1 EEOC 30

Rev: 10/11

EEOC Form 161 (11/09)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EEOC Form 161 (1			Dismi	SSAL AND NO	TICE OF	RIGHTS		
P.O. E	3 J. Terry 30x 375 e, IL 6044	9			From:	Chicago Distriction 500 West Madi Suite 2000 Chicago, IL 600	son St	
		On behalf of CONFIDEN	person(s) aggriev NAL (29 CFR §16	ved whose identity is 101.7(a))			Telephone	No
EEOC Charge	e No.			presentative			Telephone	NO.
440-2012-	04185		Brandi Investig	gator	· · ·	OWING REASON	(312) 869	)-8153
	Your aller The Resp Your chadiscrimin	gations did r condent emp arge was no ation to file y OC issues the	not involve a disable of timely filed voor charge ne following det	ability as defined be not be required number with EEOC; in ottermination: Base	y the Americ er of employe her words, d upon its in	you waited too loo	es Act.  ise covered by the second after the date(second is unable to determine the respondent is in	s) of the alleged conclude that the compliance with
	the statu	tes. No find	ing is made as t	o any other issues	ulat mignt o	e construct at hav	9	•
	The EEC	C has adop	ted the findings	of the state or loca	al fair employ	ment practices age	ency that investigate	a this charge.
	Other (b)	riefly state)						
			(See t	- NOTICE OF Sthe additional information	SUIT RIGI	HTS - I to this form.)		
Title VII, tl	he Americ	ans with	Dissbillities A	at the Constic	Informatio		ation Act, or the right to sue that v	<b>Age</b> ve will send yo

Discrimination in Employment Act: This will be the only notice of dismissal and of your righ You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years)

before you file suit may not be collectible. On behalf of the Commission (Date Mailed) John P. Rowe, Enclosures(s) **District Director BNSF RAILWAY COMPANY**